

Application No. 10/817,515
Response dated: February 14, 2006
Reply to Office action of November 18, 2005

REMARKS

In response to the Office Action dated November 18, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-27 are pending in the present Application. Claims 1, 2, 4, 5, 8, 21 and 27 are amended and Claims 17-19 are cancelled without prejudice, leaving Claims 1-16 and 20-27 for consideration upon entry of the present amendments and following remarks.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Objections

Claims 1, 2, 5 and 17 are objected to because of various informalities. Claim 17 is hereinabove cancelled and objections are rendered moot for this claim. Applicant respectfully thanks the Examiner for providing suggested language and herein amends Claims 1, 2 and 5 accordingly. Reconsideration and withdrawal of the relevant objections are respectfully requested.

Claim Rejections - 35 U.S.C. §112

Claims 4, 8 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 4 and 8, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In response, Applicant hereinabove amends Claims 4 and 8 to delete the phrase "such as a wall or ceiling."

Regarding Claim 21, line 5, "surface of the or a base of the mounting element" should be "surface of the mounting element or a base of the mounting element." Applicant respectfully thanks the Examiner for providing suggested language and herein amends Claim 21 accordingly.

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Applicant respectfully submits that Claims 4, 8 and 21 as amended, meet the requirements of 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of the relevant claim rejections are respectfully requested.

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's noting the allowable subject matter in Claim 19 and hereinabove amends Claim 1 to include the limitations of Claims 17-19.

Applicant respectfully submits that Claim 1 is now allowable as including the allowable subject matter of Claim 19 and intervening Claims 17 and 18. Claims 17-19 are accordingly cancelled without prejudice. Allowance of Claim 1 are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 5, 9, 17, 18, 20 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by Furman, U.S. Patent No. 5,899,167 (hereinafter "Furman"). Applicant respectfully traverses. As discussed above, Claims 17 and 18 are hereinabove cancelled without prejudice and rejections are rendered moot for these claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As discussed above, Claim 1 is amended to include the allowable subject matter of Claim 19 and is accordingly allowable. Therefore, Furman fails to disclose all of the limitations of amended Claim 1 and does not anticipate amended Claim 1. Claims 5, 9 and 20 variously depend from Claim 1 and inherit all of the limitations of amended Claim 1. Applicant respectfully submits that Claims 5, 9, and 20 are not further rejected or objected and are therefore correspondingly allowable as depending upon Claim 1. Reconsideration and allowance of Claims 1 (as amended), 5, 9 and 20 are respectfully requested.

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Claim 27 is hereinabove amended to include the allowable subject matter of Claim 19 and the limitations of Claims 17 and 18. Applicant respectfully submits that Claim 27 is not further rejected or objected and is therefore allowable as including the allowable subject matter of Claim 19. Reconsideration and allowance of Claim 27 are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 2-4 are rejected under 35 U.S.C. §103(a) as being obvious over Furman in view of Ayers et al., U.S. Patent No. 4,647,434 (hereinafter "Ayers").

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being obvious over Furman

Claims 10-16 and 21-26 are rejected under 35 U.S.C. §103(a) as being obvious over Furman in view of Elberbaum, U.S. Patent No. 6,328,270 (hereinafter "Elberbaum"). Applicant respectfully traverses.

Claims 2-4, 6-8, 10-16 and 21-26 variously depend from Claim 1. As discussed above, amended Claim 1 is allowable over prior art. Applicant respectfully submits that Claims 2-4, 6-8, 10-16 and 21-16 are not further rejected or objected and are correspondingly allowable as depending upon Claim 1. Reconsideration and allowance of Claims 2-4, 6-8, 10-16 and 21-16 is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

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In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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